AMENDMENT AND PRESENTATION OF CLAIMS

Please replace all prior claims in the present application with the following claims.

1.   (Currently Amended)   A method, comprising:

~~making a request in a device for establishing~~ determining to establish, at a device, a connection with a receiver using a telephone number,

as a response to a failed attempt for establishing the connection, ~~the device automatically~~ starting, at the device, a multimedia messaging service (MMS) ~~and activating a recording function of a sound clip~~ ,

~~recording~~ determining to record a voice message ~~as a sound clip of~~ to be included as part of a multimedia message in ~~a volatile random access~~ memory of the device, ~~and~~

~~transmitting~~ determining to transmit the ~~created~~ multimedia message to ~~the receiver~~ a voice mail box associated with the telephone number.

2.   (Currently Amended)   The method according to claim 1, wherein ~~an identifier is included in~~ the multimedia message~~, by which~~ includes an identifier to indicate that the multimedia message ~~can be identified as created automatically~~ is created as a response to a failed attempt for establishing the connection.

3.   (Currently Amended)   The method according to claim 1, wherein ~~in addition to the~~ voice message is recorded as ~~the~~ a sound clip of the multimedia message, and one or a combination of the following is attached in the multimedia message: text, picture, and video image.

4.   (Currently Amended)   The method according to claim ~~1~~ 3, wherein the multimedia message containing the recorded sound clip is automatically transmitted to the receiver.

5.   (Currently Amended)   The method according to claim ~~1~~ 3, wherein the multimedia message containing the recorded sound clip is transmitted to the receiver as a response to a confirmation of a message sending function.

6.   (Previously Presented)   The method according to claim 1, wherein the multimedia message is transmitted to a number to which the original request for establishing connection was made.

7.   (Canceled)

8.   (Currently Amended)   ~~A device,~~ An apparatus comprising:

at least one processor; and

at least one memory including computer program code for one or more programs,

the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

a ~~control unit, arranged to make a request for establishing~~ determining to establish a connection with a receiver using a telephone number, ~~wherein said control unit is arranged to automatically~~

start a multimedia messaging service (MMS) ~~and activate a recording function of a sound clip~~ as a response to a failed attempt for establishing the connection,

a ~~random access memory, arranged~~ <u>determine</u> to record a voice message ~~as a sound clip~~ <u>to be</u>

<u>included as part</u> of a multimedia message, and

a ~~transmitter, arranged~~ <u>determine</u> to transmit the ~~created~~ multimedia message to ~~the receiver~~ <u>a</u>

<u>voice mail box associated with the telephone number</u>.

9.   (Currently Amended)   The ~~device~~ <u>apparatus</u> according to claim 8, wherein the

multimedia message includes an identifier indicating that the multimedia message was created

automatically.

10.   (Currently Amended)   The ~~device~~ <u>apparatus</u> according to claim 8, wherein in addition

to the sound clip, one or a combination of the following is attached to the multimedia message:

text, picture, and video image.

11.   (Currently Amended)   The ~~device~~ <u>apparatus</u> according to claim 8, wherein the created

multimedia message is transmitted automatically to a number of the receiver to which the

original request for establishing the connection was made.

12.   (Currently Amended)   The ~~device~~ <u>apparatus</u> according to claim 8, wherein the created

multimedia message is transmitted as a response to a confirmation of a multimedia message

transmission function.

13.   (Currently Amended)   The ~~device~~ <u>apparatus</u> according to claim 8, wherein the

multimedia message is transmitted to a number to which the original request for establishing the

connection was made.

14.   (Canceled)

15.   (Canceled)

16.   (Currently Amended)   A ~~computer program product having program code stored on a~~ ~~readable medium for execution by a processor in a device, wherein the program code comprises~~ non-transitory computer-readable storage medium carrying one or more sequences of one or more instructions which, when executed by one or more processors, cause an apparatus to at least perform the following steps:

    ~~instructions for making a request for establishing~~ determining to establish a connection with a receiver using a telephone number,

    ~~instructions for automatically~~ starting a multimedia messaging service (MMS) ~~of the device~~ ~~and for activating a recording function of a sound clip automatically~~ as a response to a failed attempt for establishing the connection,

    ~~instructions for recording~~ determining to record a voice message ~~as a sound clip of~~ to be included as part of a multimedia message ~~in a volatile random access memory of the~~ ~~device~~, and

    ~~instructions for transmitting~~ determining to transmit the ~~created~~ multimedia message ~~to the~~ ~~receiver~~ a voice mail box associated with the telephone number.

17.   (Currently Amended)   A device[[,]] comprising:

means for ~~making a request for establishing~~ determining to establish a connection with a receiver using a telephone number,

means ~~for automatically~~ starting a multimedia messaging service (MMS) ~~of the device and~~

~~for activating a recording function of a sound clip automatically~~ as a response to a failed

attempt for establishing the connection,

means for <u>determining to record</u> a voice message ~~as a sound clip of~~ <u>to be included as part of</u> a

multimedia message ~~in a volatile random access memory of the device~~, and

means ~~for transmitting~~ <u>determining to transmit</u> the ~~created~~ multimedia message to ~~the~~

~~receiver~~ <u>a voice mail box associated with the telephone number</u>.

18.   (New)   The method according to claim 1, wherein the multimedia message is

converted by a messaging server to a voice mail for delivery to the voice mail box.

19.   (New)   The method according to claim 1, wherein the multimedia message is

forwarded to a web page associated with the receiver.

20.   (New)   The method according to claim 1, wherein the determination to transmit the

multimedia message to the voice mail box is made after determining that the receiver is unable to

receive the multimedia message.